

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARRYL P. MITCHELL,

Petitioner,

-vs-

UNITED STATES OF AMERICA,

Respondent.

CIVIL NO. 07-CV-10624

CRIM. NO. 00-CR-80675

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

DONALD A. SCHEER

UNITED STATES MAGISTRATE JUDGE

ORDER

**(1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;
AND (2) GRANTING RESPONDENT'S MOTION TO DISMISS PETITIONER'S MOTION**

Before the Court is the Magistrate Judge's November 20, 2007 Report and Recommendation granting Respondent's Motion to Dismiss Petitioner's Motion to Vacate, Set Aside, or Correct Sentence. Neither party has filed timely objections under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d). Having reviewed the Magistrate Judge's conclusions of fact and discussion of law, the Court hereby:

- (1) **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. No. 143); and
- (2) **GRANTS** Respondent's Motion to Dismiss Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. No. 139).

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: December 18, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 18, 2007.

s/Denise Goodine

Case Manager